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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,668	03/11/2005	Satoshi Kawaguchi	37938	7249

116	7590	10/04/2007
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108		

EXAMINER	
OSELE, MARK A	

ART UNIT	PAPER NUMBER
1734	

MAIL DATE	DELIVERY MODE
10/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,668	Applicant(s) KAWAGUCHI ET AL.	
	Examiner Mark A. Osele	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7, 9-14, 15(7, 10, 11) is/are rejected.
- 7) ☒ Claim(s) 8, 15(8) is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03112005, 07312007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-6, drawn to a parts supplying system with means for folding the top tape.

Group II, claim(s) 7-15, drawn to a parts supplying system with tapers and openings on the take up reel for manipulating the top tape.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature common to both groups, namely a parts supplying system capable of taking out an electronic component from a housing portion by releasing a top tape from a carrier tape while moving the carrier tape which has the housing portion for the electronic components to a component supplying position is shown by Golemon.

2. During a telephone conversation with Michael Garvey on September 25, 2007 a provisional election was made without traverse to prosecute the invention of Group II, claims 7-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication 02-274431 (Kurihara et al.). Kurihara et al. shows a parts supplying system wherein the reel member for the top tape comprises a winding drum, 7, detachably attached to a driving shaft, and a guide flange, 108, formed on one end face of the winding drum and having an opening (See Fig. 12) through which a side surface of the top tape, 103, wound on the winding drum can be pushed directly with a finger.

Regarding claim 11, the limitation that the winding drum and the guide flange are bent in removing from the driving shaft are method of use limitations not given patentable weight in an apparatus claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12(7, 11) and 15 (7, 11) are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication 02-274431 (Kurihara et al.) in view of Japanese Patent Publication 11-046091 (Kubota). As shown in paragraph 4 above, Kurihara et al. shows the instantly claimed invention except for the tapered winding surface. Kubota shows a parts supplying system wherein the winding drum has a tapered winding surface whose diameter increases in a direction that goes away from the guide flange (See Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tapered winding surface of Kubota in the apparatus of Kurihara et al. because Kubota shows this orientation to improve the stability of supplying electronic components (English Abstract).

Regarding claims 15 (7, 11), Kubota further shows the inner side surface of the guide flange is formed as an inclined surface that reduces the thickness of the guide flange outwardly in the radial direction (See Fig. 2).

8. Claims 10 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication 02-274431 (Kurihara et al.) in view of Ando et al. (U.S. 5,598,986). As shown in paragraph 4 above, Kurihara et al. shows the instantly claimed

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invention except for the recess portion in the winding drum. Ando et al. shows a parts supplying system wherein the top tape winding drum includes recesses, 6k. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the recesses of Ando et al. into the apparatus of Kurihara et al. because Ando et al. shows these recesses can be used to attach the winding drum to the driving means (See Fig. 5b).

Regarding claim 14, locating the opening portion and the recess portion on the same radial line would have been obvious to one of ordinary skill in the art as being a mechanical design choice.

9. Claims 12 (10) and 15(10) are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication 02-274431 (Kurihara et al.) in view of Ando et al. (U.S. 5,598,986) as applied to claim 10 above, and further in view of Japanese Patent Publication 11-046091 (Kubota). Kubota shows a parts supplying system wherein the winding drum has a tapered winding surface whose diameter increases in a direction that goes away from the guide flange (See Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the tapered winding surface of Kubota in the apparatus of the references as combined above because Kubota shows this orientation to improve the stability of supplying electronic components (English Abstract).

Regarding claims 15 (7, 11), Kubota further shows the inner side surface of the guide flange is formed as an inclined surface that reduces the thickness of the guide flange outwardly in the radial direction (See Fig. 2).

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The final clause of claim 9 is unclear as to what end faces are being claimed. Claim 13, line 2 is indefinite because the phrase "surfaces opposing to on both ends of the recess portion" is not idiomatic English.

Allowable Subject Matter

12. Claims 8 and 15(8) are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claim 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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14. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art suggest dividing the reel member in two in an axial direction or tapering the surfaces of a recess.

Claim Objections

16. Claim 8 is objected to because of the following informalities: A set of quotation marks is shown after the period. Appropriate correction is required.

Conclusion

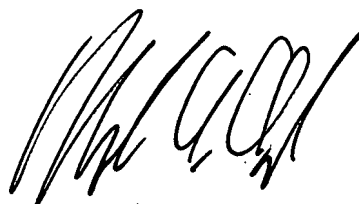
17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shibasaki and Kurihara '454 show part supplying apparatuses.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Mark A. Osele', is positioned above the printed name and title.

MARK A. OSELE
PRIMARY EXAMINER
September 30, 2007